

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

## REPLACEMENT

Monday, April 24, 2006, 7:00 p.m.

### ROLL CALL

### PLEDGE OF ALLEGIANCE

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*The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

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### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

\* 06-0424-01          Housing and redevelopment authority petition to vacate London Avenue lying between the easterly extension of the north line of Lot 18, and the south line of Lot 21 extended, all in the plat of Lester Park Garden Tracts. -- Assessor

\* 06-0424-02          Trinity Development Group, LLC, et al. (two signatures), petition to vacate that part of the streets as platted in Auditor's Plat No. 24 which lie adjacent to Lots 5-8 and which lie within the SE1/4 of the NW1/4 of Section 29, Township 50 North, Range 14 West of the Fourth Principal meridian lying northerly of the northerly right-of-way line of Trinity Road. -- Assessor

\* 06-0424-03          The following communications regarding reclassification from R-1-b to C-2 the property located at the northeast corner of Trinity Road and Anderson Road (06-009-O): (a) Christopher Dahlberg (2); (b) Duluth Area Chamber of Commerce; (c) Arne Erickson; (d) Lynne Erickson; (e) Rolf Flaig; (f) Roy and Lucile Hammerstedt; (g) Alice Hansen; (h) Rod and Patti Hansen; (i) Scott and Sue Hansen; (j) Milton Hill; (k) Michael Kenney; (l) Eli Miletich; (m) Kathy Othon; (n) Wade Petrich; (o) Matt Reardon; (p) Lenore Lampi Rukavina; (q) Cassandra Skadsberg; (r) Sue Stromquist. -- Received

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### REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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### REPORTS FROM OTHER OFFICERS

\* 06-0424-04          Assessor:  
                              (a)          Assessment roll levied to defray the assessable portion of Contract No. 70791 direct benefit sanitary sewer (assessable amount - \$1,475.92);  
                              (b)          Letters of sufficiency of petitions to vacate:  
  (1)          London Avenue lying between the easterly extension of the north line of Lot 18 and the south line of Lot 21 extended, all in the plat of Lester Park Garden Tracts;  
  (2)          12th Avenue West street easement that lies between Lot 193, Block 66, and Lot 191, Block 65, in Duluth Proper Third Division. -- Received

\* 06-0424-05          Engineer notice of off street parking facility regulation amendment for Parking Lot G, adjacent to Superior Street and between Fourth Avenue East and Fitger's, increasing the time limit on meters to three hours, pursuant to Section 33-222 of the Duluth City Code. -- Received

\* 06-0424-06 Facilities management right of entry agreement with Service Engineering Group with respect to city owned property near the intersection of 63rd Avenue West and Fremont Street in conjunction with remediation activities at the St. Louis River/Interlake/Duluth Tar (SLRIDT) site, pursuant to Section 2-35 of the Duluth City Code. -- Mayor for execution.

\* 06-0424-07 Parks and recreation department director 2005 annual report. -- Received

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### REPORTS OF BOARDS AND COMMISSIONS

\* 06-0424-08 Commission on disabilities minutes of March 1, 2006, meeting. -- Received

\* 06-0424-09 Duluth legacy endowment fund project group minutes of March 9, 2006, meeting. -- Received

\* 06-0424-10 Duluth/North Shore Sanitary District board minutes of: (a) February 8; (b) March 8, 2006, meetings. -- Received

\* 06-0424-11 Duluth state convention center administrative board minutes of: (a) December 20, 2005; (b) January 31; (c) February 28, 2006, meetings. -- Received

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\* Listed only, not copied.

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### REPORTS OF COUNCIL COMMITTEES

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### REPORTS OF COUNCIL OPEN ISSUES

• Comprehensive plan

• Planned unit development

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### OPPORTUNITY FOR CITIZENS TO BE HEARD

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### RESOLUTIONS TABLED

#### COMMITTEE 3

#### BY COUNCILOR STOVER

#### (PUBLIC WORKS & UTILITIES)

06-0233R - RESOLUTION AWARDED A THREE YEAR CONTRACT TO CARLSON MEDIA, INC., FOR DEVELOPMENT AND PROMOTION OF PUBLIC AWARENESS ABOUT PRODUCT SAFETY AND UTILITY SERVICES NOT TO EXCEED \$84,900 IN 2006, \$85,000 FOR 2007 AND \$85,000 FOR 2008. (TABLED 4/10)

#### BY COUNCILOR LITTLE

#### (PUBLIC SAFETY)

06-0188R - RESOLUTION ESTABLISHING PARKING METER ZONES IN CANAL PARK AND RATES AND TIME LIMITS THEREFORE. (TABLED 3/13 FOR 4/24 COMMITTEE MEETING)(REPLACEMENT)

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## MOTIONS AND RESOLUTIONS

### CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

### COMMITTEE 1

#### BY COUNCILOR STEWART

#### (FINANCE)

06-0279R - RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2006, TO APRIL 30, 2007, IN THE AMOUNT OF \$3,751,999 AND THE CAPITAL REPAIR AND REPLACEMENT BUDGET FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

06-0285R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF DIRECT BENEFIT SANITARY SEWER.

#### BY COUNCILOR KRAUSE

#### (PURCHASING & LICENSING)

06-0267R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO ANDERSON GOLF, INC. (ENGER GOLF COURSE), 1801 WEST SKYLINE PARKWAY.

06-0268R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM THEATRE IN THE STATE (NORSHOR THEATRE), 211 EAST SUPERIOR STREET TO TEMPLECORP, INC. (NORSHOR THEATRE), SAME ADDRESS.

06-0269R - RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GRANDMA'S ANGIE'S, INC. (LITTLE ANGIE'S CANTINA), 11 EAST BUCHANAN STREET.

06-0270R - RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY 1, 2006, AND ENDING APRIL 30, 2007.

06-0271R - RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY 1, 2006, AND ENDING APRIL 30, 2007.

06-0272R - RESOLUTION APPROVING THE ISSUANCE OF 2:00 AM CLOSING LICENSE RENEWALS FOR 3.2 PERCENT MALT LIQUOR LICENSES FOR THE PERIOD BEGINNING MAY 1, 2006, AND ENDING APRIL 30, 2007.

06-0273R - RESOLUTION RECOMMENDING APPROVAL OF BOTTLE CLUB LICENSE RENEWAL OF THE ORDER OF THE OWLS, DULUTH NEST #1200, FOR THE PERIOD BEGINNING APRIL 1, 2006, AND ENDING MARCH 31, 2007.

06-0291R - RESOLUTION AWARDED CONTRACT TO AIRGAS SPECIALTY PRODUCTS FOR APPROXIMATELY 40,000 POUNDS OF ANHYDROUS AMMONIA IN THE AMOUNT OF \$22,400.

06-0298R - RESOLUTION AWARDED CONTRACT TO NORTHLAND MATERIALS, LLC, DBA NORTHLAND BITUMINOUS, FOR THE HILLSIDE SPORT COURT IMPROVEMENTS IN ACCORDANCE WITH SPECIFICATIONS ON ITS LOW SPECIFICATION BID OF \$62,035.

06-0304R - RESOLUTION AWARDED CONTRACT TO RAY RIIHILUOMA, INC., GENERAL CONTRACTOR, FOR CONSTRUCTION OF THE CITY CENTER WEST POLICE STATION AND EMERGENCY OPERATIONS CENTER LOCATED AT 59TH AVENUE WEST AND GRAND AVENUE IN THE AMOUNT OF \$1,288,800.

**COMMITTEE 1**

**BY COUNCILOR JOHNSON (PERSONNEL)**

06-0234R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF PIPELINE WELDER.

06-0260R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF LIBRARY TECHNICIAN.

06-0263R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF POLICE SERGEANT.

06-0264R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF ZOO MANAGER.

06-0274R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF GEORGE HANSON AND THE APPOINTMENT OF STEVE KHALAR, REPLACING TERRY JOHNSON, TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION.

06-0275R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF VIRGIL SWING AND THE APPOINTMENT OF JOSEPH J. KMIECH III, REPLACING GEORGE WELLER, TO THE BOARD OF ZONING APPEALS.

06-0276R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JEFFERY ANDERSON AND HOWARD MARTZ AND THE APPOINTMENTS OF ALLAN BEAULIER AND ALLEN RICHARDSON, REPLACING CAROL THOMSON AND MARVELLA DAVIS, TO THE COMMUNITY DEVELOPMENT COMMITTEE.

06-0277R - RESOLUTION CONFIRMING THE APPOINTMENT OF RICHARD D. GITAR, REPLACING REBECCA PITTNER, TO THE ENVIRONMENTAL ADVISORY COUNCIL.

06-0278R - RESOLUTION CONFIRMING THE APPOINTMENTS OF JENNIFER WUTZ AND JIM TOPIE, REPLACING JOSH SCHOMBERG AND FRANCIS (FRANK) M. NASH, TO THE PARKS AND RECREATION COMMISSION.

06-0294R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SAFETY & TRAINING OFFICER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**COMMITTEE 2**

**BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)**

06-0299R - RESOLUTION AUTHORIZING HOUSING INVESTMENT FUND (HIF) LOAN AGREEMENTS WITH APPROPRIATE AGENCIES.

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

06-0288R - RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR EXCLUSIVE USE OF MUNICIPAL LOT D FOR THE PERIOD JUNE 1, 2006, THROUGH SEPTEMBER 30, 2006, AT NO COST TO AUTHORITY.

## **COMMITTEE 2**

### **BY PRESIDENT REINERT**

### **(COMMITTEE OF THE WHOLE)**

06-0292R - RESOLUTION AUTHORIZING A CHANNEL SHARING AGREEMENT WITH THE CITY OF SUPERIOR WHICH REQUIRES THE PURCHASE OF CERTAIN EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$8,000.

06-0297R - RESOLUTION EXTENDING THE DEADLINE FOR SUBMISSION OF RESPONSES TO THE REQUEST FOR FORMAL RENEWAL OF A CABLE FRANCHISE.

## **COMMITTEE 3**

### **BY COUNCILOR STOVER**

### **(PUBLIC WORKS & UTILITIES)**

06-0259R - RESOLUTION AWARDING TO API ELECTRIC COMPANY FOR THE CONSTRUCTION YEAR 2006 TRAFFIC SIGNAL - LED REPLACEMENTS IN THE AMOUNT OF \$46,094.

06-0280 - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES, FOR THE SUMMER MAINTENANCE OF THE CLYDE AVENUE (MUNGER ACCESS) AND RICE'S POINT BOAT LAUNCH SITES.

06-0289R - RESOLUTION AWARDING A CONTRACT TO R. W. BECK FOR PROFESSIONAL SERVICES TO CONDUCT A COST OF SERVICE STUDY AND RATE DESIGN FOR THE CITY'S GAS UTILITY IN THE ESTIMATED AMOUNT OF \$28,200.

06-0290R - RESOLUTION AWARDING A CONTRACT TO LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR DESIGN AND CONTRACT ADMINISTRATION SERVICES FOR THE WEST DULUTH WATER RESERVOIR REHABILITATION PROJECT IN THE ESTIMATED AMOUNT OF \$159,014.

06-0293R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF ROBERT AND FLORENCE MCGREEVY IN THE AMOUNT OF \$15,368.44.

06-0295R - RESOLUTION AWARDING A CONTRACT TO GLACIER PAVING, INC., FOR 2006 FINE MIX PAVING AT VARIOUS LOCATIONS IN THE AMOUNT OF \$81,604.85.

06-0296R - RESOLUTION AWARDING CONTRACT TO UNITED PIPING, INC. FOR CONSTRUCTION OF HIGH PRESSURE GAS MAINS AND SERVICES IN VARIOUS LOCATIONS IN THE AMOUNT OF \$248,962.50.

06-0305R - RESOLUTION AUTHORIZING AN AGENCY AGREEMENT BETWEEN THE CITY AND MN/DOT FOR FEDERAL PARTICIPATION IN ADVANCE CONSTRUCTION OF THE RECONSTRUCTION OF CENTRAL AVENUE FROM I-35 TO GRAND AVENUE.

### **BY COUNCILOR LITTLE**

### **(PUBLIC SAFETY)**

06-0261R - RESOLUTION ESTABLISHING A ONE STALL HANDICAPPED PARKING ZONE.

06-0283R - RESOLUTION ACCEPTING A MINNESOTA FINANCIAL CRIMES GRANT IN AN AMOUNT NOT TO EXCEED \$7,368 AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCEPT SUCH GRANT.

**COMMITTEE 3**

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

06-0284R - RESOLUTION ACCEPTING A MINNESOTA FINANCIAL CRIMES GRANT IN AN AMOUNT NOT TO EXCEED \$8,100 AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCEPT SUCH GRANT.

**BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)**

06-0286R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH WOODLAND FASTPITCH SOFTBALL LEAGUE PROVIDING FOR THE LEAGUE'S SHARED USE OF THE TONY EMANUEL FIELD LOCATED AT THE WOODLAND COMMUNITY RECREATION CENTER FOR ITS LEAGUE ACTIVITIES.

06-0301R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICERS TO EXECUTE AN AMENDMENT TO AGREEMENT NO. 19897 WITH THE MINNESOTA CONSERVATION CORPS FOR THE BRUSHING AND CLEARING OF OVERLOOKS ALONG SKYLINE PARKWAY.

**END OF CONSENT AGENDA**

The following entitled resolutions are also for consideration at this meeting:

**COMMITTEE 1**

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

06-0310R - RESOLUTION AMENDING RESOLUTIONS 05-0306 AND 05-0434; PROVIDING FOR SELECTION OF HUNTERS FOR THE ANNUAL DEER HUNT.

**COMMITTEE 2**

**BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)**

06-0302R - RESOLUTION AFFIRMING THE PLANNING COMMISSION'S APPROVAL FOR AN IMPERVIOUS SURFACE WRMO VARIANCE FOR A SERVICE STATION LOCATED AT 3802 TRINITY ROAD (SCOTT AND SUSAN HANSEN FN 06019). **(REPLACEMENT)**

06-0303R - RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO APPROVE A VARIANCE FOR IMPERVIOUS SURFACE FOR THE CONSTRUCTION OF A SERVICE STATION ON PROPERTY LOCATED AT 3802 TRINITY ROAD (SCOTT AND SUSAN HANSEN FN 06019). **(REPLACEMENT)**

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

06-0307R - RESOLUTION SUPPORTING DULUTH'S MEMBERSHIP IN THE COALITION OF GREATER MINNESOTA CITIES.

**BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)**

06-0287R - RESOLUTION APPROPRIATING TOURISM TAX FUND BALANCE.

**COMMITTEE 3**

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

06-0265R - RESOLUTION ESTABLISHING PARKING METER ZONES ON SECOND STREET AND RATES AND TIME LIMITS THEREFORE.

06-0266R - RESOLUTION TO ESTABLISH NO PARKING 2:00 A.M. TO 6:00 A.M. ON NORTH SIDE OF SECOND STREET FROM FOURTH AVENUE WEST TO FOURTH AVENUE EAST.

**BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)**

06-0281R - RESOLUTION AUTHORIZING A GOLF PROFESSIONAL AGREEMENT FOR OPERATION OF ENGER PARK GOLF COURSE WITH ANDERSON GOLF, INC., FOR UP TO \$93,000 IN COMPENSATION PLUS OPERATING EXPENSES.

06-0282R - RESOLUTION AUTHORIZING A GOLF PROFESSIONAL AGREEMENT FOR OPERATION OF LESTER PARK GOLF COURSE WITH PAUL SHINTZ, INC., FOR UP TO \$90,000 IN COMPENSATION PLUS OPERATING EXPENSES.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCES TABLED**

**COMMITTEE 2**

**BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)**

06-009-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 23 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE FAMILY RESIDENTIAL, TO C-2, HIGHWAY COMMERCIAL, PROPERTY LOCATED AT THE NORTHEAST CORNER OF TRINITY ROAD AND ANDERSON ROAD (SCOTT AND SUSAN HANSEN). (TABLED 4/10)

**COMMITTEE 3**

**BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)**

05-060-O - AN ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED; ADDING ARTICLE XXXIV - MINIMUM REQUIREMENTS FOR A DEVELOPMENT AGREEMENT.  
(REPLACEMENT 2)  
(AS AMENDED)  
(TABLED 4/10)

The following entitled ordinance is to be read for the first time:

**COMMITTEE 2**

**BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)**

06-013-O - AN ORDINANCE GRANTING A FRANCHISE TO CC VIII OPERATING, LLC, D/B/A CHARTER COMMUNICATIONS, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF DULUTH SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND PUBLIC RIGHTS-OF-WAY; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISION HEREIN.

The following entitled ordinance is to be read for the second time:

**COMMITTEE 2**

**BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)**

06-012-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 23, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM S, SUBURBAN, TO R-1-B, SINGLE FAMILY RESIDENTIAL, R-2, TWO FAMILY RESIDENTIAL, AND R-3, APARTMENT RESIDENTIAL, THE PROPERTY BETWEEN TRINITY ROAD AND QUINCE STREET 300 FEET EAST OF ANDERSON ROAD (DAN AND TED STOCKE (COFFEE CREEK)).

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**COUNCILOR QUESTIONS AND COMMENTS**  
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